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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,310	06/09/2006	Detlef Schulz	4965-000266/US/NP	4979

27572 7590 08/31/2007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
IP, SHIK LUEN PAUL	

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
08/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/582,310	SCHULZ, DETLEF	
	Examiner	Art Unit	
	/Paul Ip/	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *6/9/2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/9/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 6/9/2006 complies with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is drafted in such a narrative way that the claim fails to define any preamble and the "comprising" limitations of the invention. The claim includes "being designed" language in such a way that the claim language fails to give any particular meaning of the structural limitation and its relationship with the other elements recited in the claim. The "being designed" language is indefinite, vague, and confusing. Claims 10-20 are apparent literal translation from the foreign application.

5. Claims 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claim 21 recites a first circuit element and a connection which bridges the first circuit element and has a resistance is switched on briefly at a time before the triggering of the first circuit element. The claim recites a connection which bridges the first circuit element and has a resistance as being incomplete for omitting essential step of a second circuit element to complete the bridge connection. Without the essential step of the second circuit element to complete the bridge connection, the invention is incomplete and the invention is inoperative. The claim is being incomplete for omitting essential step of controlling the first circuit element and the second circuit element in order to perform the phase gating function. Claim 21 recites "a resistance" twice. It is not clear whether the first resistance is the same as the second resistance, or the first resistance is different from the second resistance.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 10-22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 and 6-8 of copending Application No. 11/054,414. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-4 and 6-8 are generic claims covering the same invention of claims 10-22 of this application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin (4,992,709) or Han (5,196,343) in view of Higashi et al (5,719,493).

The patent to Griffin shows in figure 1 a motor 10 connected in series with a first circuit element 26 and a second circuit element 36. The second circuit element is connected the first circuit element with a bridge resistor 34 and resistor 24. Whereas, the claims recite that a resistance element is arranged in an air flow which is produced by the electric motor in order to cool it.

The patent to Han shows in figure 3 a motor connected to a first circuit element 86 and a second circuit element 104 through resistors 80 and 102 in series with a full wave bridge 100. Whereas, the claims recite that a resistance element is arranged in an air flow which is produced by the electric motor in order to cool it.

However, the patent to Higashi et al discloses an electrical device comprising a resistance element 122 connected in a bridge formation between a first circuit element 120 and a second circuit element 124, and a wire resistance element 52 is connected as a load of the circuit.

Prima facie case is made when people design a bridge triac circuit element comprising a first circuit element bridged to a second circuit element with a resistance element, one of ordinary skill in the art would, one of ordinary skill in the art would try different configurations to connect the first circuit element and the second circuit element in order to make the first circuit element operative with the second circuit element. Since Griffin and Han circuits comprising resistance elements connected in

series with the first circuit element and the second circuit element respectively, it would have been obvious to one of ordinary skill in the art to modify Griffin or Han with a single resistance element bridging between the first circuit element and the second circuit element in such an operative configuration as taught or suggested by Higashi et al.

Han shows the circuit is used for a hair dryer and Higashi et al show a motor is connected to the other part of the circuit. It is clear that the hair dryer fan 18 cools the circuit elements including the resistance element as recited in the claims.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Higashi et al (5,719,493).

Higashi et al show in figure 4 a first circuit element 120, a connection which bridges the first circuit element and has a resistance 122 is switched on briefly at a time before the triggering of the first circuit element and the connection which has a resistance is cooled by the electric motor or a fan.

Drawings

13. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed on 6/9/2006 are informal drawings. Applicant is advised to employ the services of a competent patent draftsperson outside the Office,

as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Citation of Pertinent References

14 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited on form 892 are triac control circuits including a first circuit element and a second circuit element related to the invention.

Communication Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Paul Ip/ whose telephone number is (571)-272-1941. The examiner can normally be reached on Monday to Friday from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan, can be reached on(571)-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Internet correspondence **MUST** be provided with a prior written authorization by applicant in the application file record giving the Office authorization to communicate with applicant vie e-mail. Without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentially requirement as set forth in 35 U.S.C. 122.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Paul Ip/
Primary Examiner
Art Unit 2837

8/24/2007